

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

IP INNOVATION L.L.C. AND
TECHNOLOGY LICENSING CORPORATION,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

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CASE NO. 2:07CV-503-LED

JURY TRIAL REQUESTED

**SUPPLEMENTAL JOINT CLAIM CONSTRUCTION AND PREHEARING
STATEMENT**

Pursuant to the Court's August 10, 2009 Order, Plaintiffs IP Innovation L.L.C. and Technology Licensing Corporation and Defendant Google Inc. file this Supplemental Joint Claim Construction and Prehearing Statement concerning U.S. Patent Nos. 5,276,785 (the '785 patent). Pursuant to the Court's August 10, 2009 Order, the deposition of named '785 patent inventor Jock Mackinlay took place after the parties filed their initial Joint Claim Construction and Prehearing Statement. The parties respectfully submit this supplemental statement to identify the portions of Dr. Mackinlay's testimony on which they will rely to support their respective proposed constructions.

Google's Supplemental Statement

Google will rely on the following testimony of Dr. Mackinlay to support its proposed constructions for the following disputed claim terms, phrases, or clauses of the '785 patent:

- point of interest (claims 52 and 55): (Mackinlay Dep. 195:17-196:5.)

- viewpoint coordinate data (claims 1 and 52): (Mackinlay Dep. 195:17-196:5.)
- user input means for providing signals (claim 52): (Mackinlay Dep. 195:17-196:5.)
- the user can request viewpoint motion and point of interest motion independently (claim 52): (Mackinlay Dep. 143:20-25, 145:7-25, 146:11-147:7)
- viewpoint motion (claims 1, 28, 42, 52 and 55): (Mackinlay Dep. 143:12-14, 143:16-19, 195:17-196:5.)
- point of interest motion (claim 52): (Mackinlay Dep. 195:17-196:5.)
- ray (claim 55): (Mackinlay Dep. 195:17-196:5.)

Plaintiffs' Supplemental Statement

Plaintiffs may rely on the following testimony of Dr. Mackinlay to support Their proposed constructions for the following disputed claim terms, phrases, or clauses of the '785 patent:

- user input means for providing signals (claim 52): Mackinlay Dep. at 52:2-24, 109:1-25, 111:4-12, 214:7-216:11, 221:8-222:2
- motion requesting signal set (claim 52): Mackinlay Dep. at 52:2-24, 109:1-25, 111:4-12, 214:7-216:11, 221:8-222:2
- the user can request viewpoint motion and point of interest motion independently (claim 52): 56:2-16
- viewpoint motion (claims 1, 28, 42, 52 and 55): Mackinlay Dep. at 46:6-24, 56:2-16

The parties expressly reserve the right to rely on any intrinsic and extrinsic evidence identified by the other party, and any evidence obtained, or that may be obtained, through claim construction discovery. The parties expressly reserve the right to amend, correct, or supplement their claim construction positions and supporting evidence in response to any change of position by the other party, in response to information received through claim construction discovery, including inventor depositions and expert depositions concerning claim construction declarations, or for other good cause.

Dated: September 4, 2009

Respectfully submitted,

By: /s/ David J. Mahalek

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Dated: September 4, 2009

Respectfully submitted,

By: /s/ David J. Beck

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Brad Coffey
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